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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

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NORMAN and SANJAY MEHROTRA

Serial No.: 08/771,708

Filed: December 20, 1996

For: FLASH EEPROM SYSTEM

Group Art Unit: 2785

Examiner: Ly V. Hua

San Francisco, California

Assistant Commissioner of Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

SanDisk Corporation, a Delaware corporation having a principal place of business in Sunnyvale, California, is the owner of the entire interest in the above-captioned patent application and in patent no. 5,172,338, by way of the following documents, copies of which are attached hereto:

For the above-captioned application:

(1) a written Assignment dated March 28, 1990, from the inventors to SunDisk Corporation, a Delaware corporation, made in application Serial No. 07/337,566, filed April 13, 1989, now abandoned, which is a parent to the above-captioned patent application, the Assignment having been recorded in the United States Patent and Trademark Office at reel 5264, frames 0766-0768;

(2) a Restated Certificate of Incorporation of SunDisk Corporation, dated August 28, 1995, from the Delaware Office of the Secretary of State, changing its name to SanDisk Corporation, the Restated Certificate having been recorded in the United States Patent and Trademark Office in connection with parent application Serial No. 08/174,768, at reel 8224, beginning at frame 0491;

For patent no. 5,172,338:

(3) a written Assignment dated June 8, 1990, from the inventors to SunDisk Corporation, a Delaware corporation, made in application Serial No. 07/508,273, filed April 11, 1990, now patent no. 5,172,338, the Assignment having been recorded in the United States Patent and Trademark Office at reel 5353, frames 0505-0509; and

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(4) a Restated Certificate of Incorporation of SunDisk Corporation, dated August 28, 1995, from the Delaware Office of the Secretary of State, changing its name to SanDisk Corporation, the Restated Certificate having been recorded in the United States Patent and Trademark Office in connection with patent no. 5,172,338, at reel 7709, beginning at frame 0577.

SanDisk Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned patent application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior patent no. 5,172,338. SanDisk Corporation hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-captioned patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, SanDisk Corporation does not disclaim the terminal part of any patent granted on the above-captioned patent application that would extend to the expiration date of its full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent no. 5,172,338, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

This Terminal Disclaimer is being made by the undersigned attorney of record.

Dated: May 21, 1998

Respectfully submitted,



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